

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GLP-2 Derivatives

the specification of which (check only one item below):

☐ is attached hereto

☒ was filed as United States application

Application No. 09/258,187

on February 25, 1999

and was amended

on \_\_\_\_\_

☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_

and was amended under PCT Article 19

on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
DK	0931/96	30 August 1996	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DK	1259/96	8 November 1996	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DK	0271/98	27 February 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
US	60/035,905	24 January 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
US	60/036,226	24 January 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
US	60/085,789	18 May 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

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**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Includes Reference to PCT International Applications)

orney's Docket Number:  
5367.210-US

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	Patented	Pending	Abandoned
08/922,200	September 2, 1997		x	
PCT APPLICATIONS DESIGNATING THE U.S.				
APPLICATION NO.	FILING DATE	US SERIAL NUMBERS ASSIGNED (if any)		

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Steve T. Zelson    Elias J. Lambiris    Valeta A. Gregg    Carol E. Rozek    Robert L. Starnes    Reza Green  
Reg. No. 30,335    Reg. No. 33,728    Reg. No. 35,127    Reg. No. 36,993    Reg. No. 41,324    Reg. No. 38,475

**Send Correspondence to:** Steve T. Zelson, Esq.  
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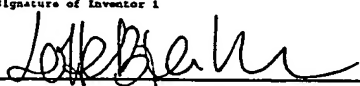

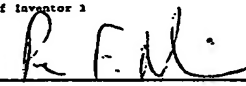

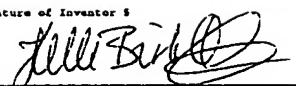
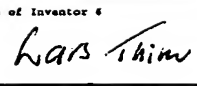

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9	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 	Signature of Inventor 3 
Date 25/3/99	Date April 7, 1999	Date 13/04/99
Signature of Inventor 4 	Signature of Inventor 5 	Signature of Inventor 6 
Date 4-28-1999	Date 15/4-1999	Date April 12, 1999
Signature of Inventor 7 	Signature of Inventor 8	Signature of Inventor 9
Date 14/4-1999	Date	Date

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**Declaration of Len S. Smith**  
**under MANUAL OF PATENT EXAMINATION PROCEDURE § 2163.07(b)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I, Len S. Smith, hereby declare:

1. I am registered to practice before the United States Patent and Trademark Office (hereinafter alternatively referred to as "the Office") under registration number 43,139.

2. I am authorized to act on behalf of the assignee of this patent application, Novo Nordisk A/S, in the filing and prosecution of the above-referenced subject application.

3. The subject application is a Rule 53(b) continuation of U.S. Patent Application No. 09/908,534 (hereinafter referred to as the '534 application), which is a continuation of U.S. Patent Application No. 09/258,187 (hereinafter referred to as the '187 application), which is a continuation-in-part of U.S. Patent Application No. 08/922,200 (hereinafter referred to as the '200 application), filed September 2, 1997. The '200 application incorporated co-owned International Patent Application PCT/DK97/00086 (hereinafter the '086 PCT application) (copy submitted herewith), which is at least partially directed to similar subject matter as the present application, in its entirety.

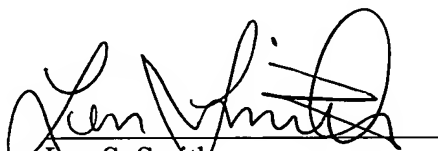
4. The subject application includes claims that may be based, at least in part, on the disclosure of the incorporated '086 PCT application. The U.S. Patent and Trademark Office's MANUAL OF PATENT EXAMINING PROCEDURE (hereinafter "MPEP") indicates that "incorporation of essential material in the specification by reference to a foreign application ... is improper" and requires an amendment of the disclosure so as "to include the material incorporated by reference" in such instances (see MPEP § 2163.07(b)). The "amendment" must be accompanied by a declaration of a practitioner representing the applicant stating that the amendatory material consists of the same material incorporated by reference in the referencing application. *See id.*

5. It is the Office's stated policy that the "specification and drawings of a continuation or divisional application is not limited to a reproduction or 'true copy' of the prior application, but may be revised for clarity or contextual purposes vis-à-vis the prior application in the manner that an applicant may file a substitute specification (Sec. 1.125) or amend the drawings of an application so long as it does not result in the introduction of new matter." *See, e.g., "Changes to Patent Practice and Procedure, Final Rule", 62 Fed. Reg. 53132, 53148 (October 10, 1997).*

6. The subject application differs and can be considered "amended", with respect to the '534 application, by the inclusion of selected material from the incorporated '086 PCT application. Specifically, paragraphs 24, 25, and 67-71 of the subject application constitute material taken from the incorporated '086 PCT application. Also, the claims of the '086 PCT application, as well as the claims of the '534 application, have been included in this application under the nonsubstantive title "Additional Aspects" (the numbering of the claims of the '086 PCT application has been changed and the word "claim" has been replaced with "aspect" in this included material). Other than these nonsubstantive changes, this amendatory material consists of the same material incorporated by reference in the referencing application. Consistent with practice allowable under 62 Fed. Reg. 53132, 53148, the subject application contains a set of claims that differs from the claims of the '534 application. These claims find support in the specification of the '534 application, '200 application, and incorporated '086 PCT application (this subject matter also may be supported in other earlier priority applications – the undersigned has not endeavored to determine what subject matter is supported by the earlier-filed priority documents to the subject application). Other minor differences in the subject application vis-à-vis the '534 application reflect nonsubstantive corrections of spelling errors, grammatical problems, formatting changes (e.g., paragraph numbers have been added for convenience as encouraged by Office policy), etc. These changes introduce no new matter.

7. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 8, 2003

  
Len S. Smith  
Reg. No. 43,139